

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application.

Claims 11-29 are now present in this application. Claims 11, 19 and 29 are independent. Claims 1-10 have been canceled and claims 11-29 have been added.

Reconsideration of this application, as amended, is respectfully requested.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal canceling pending claims 1-10 and adding a new claim set as provided above. This Amendment was not presented at an earlier date in view of the fact that Applicant did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

Rejections Under 35 U.S.C. § 103

Claim 1 stands rejected over Shimizume considered with Finkelstein, claims 2 and 3 stand rejected over the art as applied to claim 1, and further in view of Yoshida, claim 4 stands rejected over Shimizume considered with Finkelstein and further considered with Yoshida, claims 5 and 7 stand rejected over the art as applied to claim 4 and further in view of Okada, claim 6 stands rejected over the art as applied to claim 1 and further in view of Okada, and claims 8-10 stand rejected over Shimizume considered with Finkelstein and further considered with Okada. These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejections, but merely to advance prosecution of the present Application, Applicant respectfully submits that claims 1-10 have been canceled, thereby rendering the rejections thereof moot. Reconsideration and withdrawal of these art grounds of rejection is respectfully requested.

Claims 11-29

Claims 11-29 have been added for the Examiner's consideration.

Independent claim 11 recites a combination of steps in a method of changing a recording mode between CAV (Constant Angular Velocity) and CLV (Constant Linear Velocity), including the steps of checking the frequency of the detected sync signal, and determining whether to change the recording mode or

not based on the checked frequency. Claims 19 and 29 include similar recitations. Applicant respectfully submits that the combination of elements/steps as set forth in independent claims 11, 19 and 29 are not disclosed or made obvious by the prior art of record, including Shimizume and Okada.

Particularly, the Applicant's claimed invention is directed to using the period of an ATIP sync or the period of the ATIP signal itself (frequency of ATIP being reproduced) in determining when to change a recording mode.

With regard to Shimizume, the method thereof uses time information (sub-Q) recorded on a disc in determining when to change between CAV and CLV mode. The time information is obviously different from the period of ATIP sync or ATIP signal. ✕

On the other hand, Okada compares phases of the ATIP sync and Ref. Sync (sub-code sync), and compensates a frequency of Ref. Clock based on the phase difference. The phase comparison compares Ref. sync with the ATIP sync itself, not the period or frequency of the ATIP sync. Further, the Okada reference nowhere teaches changing the recording mode according to a comparison.

Applicant submits that claims 12-18 and 20-28 depend, either directly or indirectly, from independent claims 11 and 19, and are therefore allowable based on their dependence from claims 11 and 19, which are believed to be allowable. In addition, claims 12-18 and 20-28 recite further limitations, which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 11-29 are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

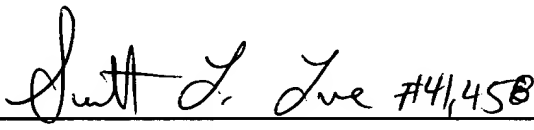
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Percy L. Square, Registration No. 51,084, at (703) 205-8034, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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